

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

Fidelia Orozco,

NO. C 04-05001 JW

Plaintiff(s),

**ORDER OF DISMISSAL**

v.

Sherman Acquisition Limited Partnership,

Defendant(s).

On June 22, 2005, Plaintiff filed an "Acceptance of Defendant Sherman Acquisition Limited Partnership's Rule 68 Offer of Judgment." On September 21, 2005, the Court issued an Order Setting Deadline for Filing Rule 68 Offer and Stipulated Proposed Judgment. The Order directed Plaintiff as follows:

Rule 68, Fed.R.Civ.P., requires the parties to file the Rule 68 offer and notice together so that a final judgment may be entered accordingly. Therefore, Plaintiff is hereby ordered to file the offer, notice, and stipulated proposed judgment no later than October 21, 2005. If Plaintiff fails to do so by October 21, 2005, the Court will dismiss the action pursuant to Rule 41(b), Fed.R.Civ.P.

Since that time, however, Plaintiff has not filed the offer, notice, and stipulated proposed judgment. Therefore, the Court dismisses the action pursuant to Rule 41(b), Fed.R.Civ.P.

Dated: November 14, 2005

/s/James Ware  
JAMES WARE  
United States District Judge

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

2 John Karl Rossman [rossmanj@moss-barnett.com](mailto:rossmanj@moss-barnett.com)

3 June D. Coleman [jcoleman@mpbf.com](mailto:jcoleman@mpbf.com)

4 Mark Ewell Ellis [mellis@mpbf.com](mailto:mellis@mpbf.com)

5 Scott Maurer [smaurer@scu.edu](mailto:smaurer@scu.edu)

6 **Dated: November 15, 2005**

**Richard W. Wieking, Clerk**

7 **By: /s/JW Chambers**

**Ronald L. Davis**

**Courtroom Deputy**